

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL ACTION</b>
	:	
<b>v.</b>	:	
	:	
<b>OMAR BRIGGS</b>	:	<b>NO. 11-177</b>

**MEMORANDUM**

**Savage, J.**

**December 8, 2021**

Moving for a reduction of his sentence under the compassionate release statute, 18 U.S.C. § 3582(c)(1)(A), Omar Briggs, a prisoner at FCI Schuylkill, contends that the death of his spouse and minor child's mother and his obesity in light of the COVID-19 pandemic constitute extraordinary and compelling reasons warranting a reduction of his sentence.<sup>1</sup> The government argues that Briggs failed to exhaust his administrative remedies.<sup>2</sup>

Before filing a motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A), the defendant must exhaust his administrative remedies. Specifically, the statute provides that:

[T]he court, upon motion of the Director of the Bureau of Prisons, or upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier, may reduce the term of imprisonment . . . .

18 U.S.C. § 3582(c)(1)(A).

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<sup>1</sup> Def.'s Letter Mot. for Comp. Release at 1 (ECF No. 54).

<sup>2</sup> Govt.'s Resp. in Opp. to Def.'s Letter Req. to Red. Sen. at 1, 3, 6–8 (ECF No. 57).

To exhaust administrative remedies, a defendant must first present his request for compassionate release to the warden. After 30 days of submitting the request, the defendant may move for compassionate release in the district court, whether the warden has denied the request or has not acted. *Id.*; *United States v. Raia*, 954 F.3d 594, 595–96 (3d Cir. 2020). The exhaustion requirement is mandatory. *Raia*, 954 F.3d at 597. Therefore, because Briggs did not file a request with the Warden of FCI Schuylkill, his compassionate release request must be dismissed.